

Treasury not otherwise appropriated, the sum of not to exceed \$50,000 for the fiscal year ending June 30, 1929, and the sum of not to exceed \$50,000 for each succeeding fiscal year for three years, to be expended jointly by the Department of Agriculture through its Bureau of Soils and the Department of Commerce through its Bureau of Mines, for the purchase of necessary incidental supplies for conducting chemical engineering and manufacturing research and employing clerical and technical assistance for the purpose of determining more improved methods and cheaper processes for recovering potash from the leucite, alunite, and other potash-bearing deposits in the United States.

Approved, February 20, 1929.

Sum authorized for developing improved methods of recovering potash from.
Ante, p. 1134.

CHAP. 274.—An Act To amend an Act entitled "An Act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921.

February 20, 1929.
[H. R. 5491.]
[Public, No. 782.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second proviso under the heading "Contingent, Bureau of Ordnance," contained in the Naval Appropriation Act approved July 12, 1921 (Forty-second Statutes at Large, page 128), is hereby amended to read as follows:

Navy.
Ordnance.
Vol. 42, p. 128, amended.

"*Provided further,* That hereafter no money appropriated for ordnance or ordnance material or material purchased therewith shall be used for any other purpose than that for which the appropriation was made, except that this provision shall not prohibit the transfer to other bureaus or departments of used or obsolescent material which is no longer needed for the purpose for which originally acquired."

Money to be used only for material, etc., for which appropriation made.
Transfer of used, etc., material allowed.

Approved, February 20, 1929.

CHAP. 275.—Act For the relief of the Nez Perce Tribe of Indians.

February 20, 1929.
[H. R. 12520.]
[Public, No. 783.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred on the Court of Claims, with the right of appeal by either party to the Supreme Court of the United States, notwithstanding lapse of time or statutes of limitation, to hear, determine, adjudicate, and render final judgment on all legal and equitable claims of whatsoever nature of the Nez Perce Tribe of Indians in Idaho, or of any band thereof, against the United States, arising under or growing out of the original Indian title, claim, or rights of the said Indian tribe or any band thereof, including all title, claim, or rights growing out of treaties of June 11, 1855 (Twelfth Statutes, page 957), and June 9, 1863 (One hundred and forty-eighth Statutes, page 673), and an agreement of May 1, 1893, approved by Act of Congress of August 15, 1894 (Twenty-eighth Statutes, page 286), with the said Nez Perce Tribe or bands of Indians, in connection with the Nez Perce Indian Reservation in the States of Idaho and Oregon, and more particularly as to the following claims:

Nez Perce Indians, Idaho.
Claims of, to be adjudicated in Court of Claims.

Vol. 12, p. 957; Vol. 14, p. 647; Vol. 28, p. 326.

Claims specified.

Reserved lands sold and no compensation to Indians.

Vol. 28, p. 326.

1. Claim for compensation for that part of the Old Agency land and improvements near Fort Lapwai, Idaho, reserved from sale by the agreement of May 1, 1893, between the United States and the Nez Perce Tribe of Indians (Twenty-eighth Statutes, page 286), and thereafter disposed of by the United States without compensation to said Indians and described as follows:

Description.	<p>"Commencing at a point at the margin of Clearwater River on the south side thereof, which is three hundred yards below where the middle thread of Lapwai Creek empties into said river, run thence up the margin of said Clearwater River, at low-water mark, nine hundred yards to a point, run thence south two hundred and fifty yards to a point, thence southwesterly in a line to the southeast corner of a stone building partly finished as a church, thence west three hundred yards to a point, thence from said point northerly in a straight line to the point of beginning."</p>
Lands not ceded, and erroneous per capita payments.	2. Claim for certain lands included in canceled allotments within said Nez Perce Indian Reservation in Idaho and thereafter disposed of by the United States, said lands not being included in the area ceded by said treaties or said agreement of May 1, 1893 (Twenty-eighth Statutes, page 286), to the United States and also certain erroneous per capita payments out of the amount appropriated by Congress in payment for lands ceded to the United States under the said agreement of May 1, 1893 (Twenty-eighth Statutes, page 286).
Vol. 28, p. 329.	
Gold mined on Reservation before cession.	3. Claim for gold mined and removed by white men, without authority and in trespass, from the Nez Perce Indian Reservation lands in Idaho prior to the treaty of June 9, 1863, and its approval or ratification by the Senate on April 17, 1867 (Fourteenth Statutes, page 647), ceding such lands to the United States, such claim, in any event, not to exceed one-eighth of the amount of gold so mined and removed: <i>Provided</i> , That this Act shall not be construed as creating any rights which may be made the basis of a legal or equitable cause of action but shall only authorize the said Nez Perce Tribe of Indians to present to the United States Court of Claims for adjudication such legal rights and claims, if any, which may exist under the treaties and agreements mentioned in this Act.
Vol. 14, p. 647.	
<i>Proviso.</i> Restricted action of Act.	SEC. 2. Any and all claims against the United States within the purview of this Act shall be forever barred unless suit or suits be instituted or petition, subject to amendment, be filed in the Court of Claims within five years from the date of this Act, and in any such suit or suits said Nez Perce Tribe of Indians, or any band thereof, shall be party or parties plaintiff and the United States shall be the party defendant. The petition of the said Indians shall be verified by the attorney or attorneys employed to prosecute such claim or claims, under contract with the Indians, approved in accordance with existing law, upon information and belief as to the facts therein alleged and no other verification shall be necessary. Official letters, papers, documents, records, maps, historical works, and affidavits in official files, or certified copies thereof, may be used in evidence and the departments of the Government shall give access to the attorney or attorneys of said Indians to such treaties, papers, maps, correspondence, reports, documents, or affidavits as they may require in the prosecution of any suit or suits instituted under this Act.
Time for filing.	
Verification, etc.	
Evidence admitted.	
Counterclaims, etc., to be considered.	SEC. 3. In the said suit or suits the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against the said Indian tribe, or bands thereof, or any of them, and any payment or payments which have been made by the United States upon any such claim or claims shall not operate as an estoppel, but may be pleaded as an offset in such suit or suits, as may gratuities, if any, paid to or expended for said Indian tribes or bands, or any of them.
Joining of other bands.	SEC. 4. Any bands of Indians associated with the Nez Perce Tribe deemed necessary to a final determination of any suit or suits brought hereunder may be joined therein as the court may order: <i>Provided</i> , That upon final determination of the court of any such suit or suits the Court of Claims shall have jurisdiction to fix and determine a
<i>Proviso.</i> Attorneys' fees, etc., by decree of court.	

reasonable fee not to exceed 10 per centum of the amount recovered, or in the event of any compromise settlement and adjustment of any of the foregoing claims by the Commissioner of Indian Affairs and the Secretary of the Interior, then such officers shall have jurisdiction to fix and determine a reasonable fee not to exceed 10 per centum of the amount secured in such settlement or adjustment, to be paid to the attorney or attorneys employed as herein provided, and such fees shall be paid out of any sum or sums adjudged to be due said tribe or bands, or any of them, and the balance of such sum or sums shall be placed in the Treasury of the United States to the credit of such tribes or bands where it shall draw interest at the rate of 4 per centum per annum. The amount of any judgment shall be placed in the Treasury of the United States to the credit of the Nez Perce Tribe of Indians and shall draw interest at the rate of 4 per centum per annum and shall be thereafter subject to appropriation by Congress for educational, health, industrial, and other purposes for the benefit of said Indians, including the purchase of land and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians.

In case of compromise.

Amount of judgment to credit of Indians with interest at 4 per cent.

No per capita payments allowed.

Approved, February 20, 1929.

CHAP. 276.—An Act To provide for the promotion of clerks and general mechanics in the motor-vehicle service.

February 20, 1929.

[H. R. 13449.]

[Public, No. 784.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act of February 28, 1925 (Forty-third Statutes, pages 1060 and 1061, United States Code, title 39, section 116), is amended by adding the following:

Postal Service.
Vol. 43, p. 1060,
amended.
U. S. Code, p. 1243.

"Clerks and general mechanics in the motor-vehicle service shall be promoted successively after one year's satisfactory service in each grade, to the next higher grade, until they receive the maximum pay prescribed for clerks and general mechanics in the Reclassification Act of February 28, 1925. In computing one year's satisfactory service, employees shall receive credit for time served in the grades established by the Postmaster General prior to January 1, 1925, as well as the grades created by the Act of February 28, 1925, and the compensation of employees in the motor-vehicle service on January 1, 1925, shall be adjusted accordingly."

Motor-vehicle service.
Promotion of clerks and general mechanics.
Credit for time served, etc.

Approved, February 20, 1929.

CHAP. 277.—An Act To provide for the promotion of clerks, general mechanics, driver mechanics, and garagemen drivers in the motor-vehicle service.

February 20, 1929.

[H. R. 13450.]

[Public, No. 785.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act of February 28, 1925 (Forty-third Statutes, pages 1060 and 1061, United States Code, title 39, section 116), is amended by adding the following:

Postal Service.
Vol. 43, p. 1061,
amended.
U. S. Code, p. 1243.

"In making promotions after one year's satisfactory service since the last promotion, clerks, general mechanics, driver mechanics, and garagemen drivers in the motor-vehicle service, who have been transferred from one post office to another and who have not reached the maximum grade to which they are entitled to progress automatically, shall be given credit for previous service in the same capacity at other post offices, the same as if all service had been performed at one post office. This provision of law shall be effective as of January 1, 1925, and thereafter."

Motor vehicle service.
Employees transferred to another office given credit for service in the other.

Effective as of January 1, 1925.

Approved, February 20, 1929.